



September 7, 2016

# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

Planning Board Members:

Neil Connelly, Chairman  
Rebecca Anderson  
Anthony Gorski  
Joseph Keefe  
Lawrence Korzeniewski  
Kristin McCracken  
Melvin Szymanski

Town Board Members:

Johanna Metz-Coleman, Supervisor  
John M. Abraham, Jr.  
Dawn Gaczewski  
Ronald Ruffino, Sr.  
Matthew Walter

Engineering Consultant:

Robert Harris, Wm. Schutt & Associates

Town Attorney:

Kevin E. Loftus

Town Highway Superintendent:

Daniel J. Amatura

Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held September 7, 2016. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Neil R. Connelly  
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 7<sup>th</sup> day of September 2016 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman  
Rebecca Anderson, Member  
Anthony Gorski, Member  
Joseph Keefe, Member  
Lawrence Korzeniewski, Member  
Kristin McCracken, Member

EXCUSED: Melvin Szymanski, Member

ABSENT: None

ALSO PRESENT:

Town Board Members: John M. Abraham, Jr.  
Dawn Gaczewski

Other Elected Officials: None

Town Staff: Robert Harris, Engineering Consultant-Wm. Schutt & Assoc.  
Kevin E. Loftus, Town Attorney  
Matthew Fischione, Code Enforcement Officer  
Cynthia Maciejewski, Recording Secretary

Meeting called to order by Chair Connelly at 7:00 P.M.

Pledge of Allegiance led by Kristin McCracken, Member.

Minutes - A motion was made by Kristin McCracken to approve the minutes from the August 3, 2016 Planning Board Meeting. Motion seconded by Lawrence Korzeniewski and unanimously carried.

#### TOWN OF LANCASTER PLANNING BOARD

##### COMMUNICATIONS LIST – SEPTEMBER 7, 2016

- 9.07.01 SEQR response dated 8/04/16 from NYSDEC regarding Upstate Cellular Mohawk/ Juniper Blvd.
- 9.07.02 SEQR response dated 8/05/16 from NYSDEC regarding Upstate Cellular S. Penora St.
- 9.07.03 SEQR response dated 8/08/16 from EC DPW regarding Apple Blossom 3 lot development.
- 9.07.04 SEQR response dated 8/08/16 from EC Division of Sewerage Management regarding Apple Rubber addition.
- 9.07.05 Memo from Kevin Loftus, Town Attorney, dated 8/04/16 indicating a SEQR review will be held 8/15/16 for Russell's Metal Storage Addition.
- 9.07.06 New EAF for 31 Peppermint Rd. received 8/15/16.
- 9.07.07 Minutes of the ZBA meeting of 8/11/16.
- 9.07.08 SEQR response dated 8/15/16 from EC DPW regarding Precision Scale & Balance.
- 9.07.09 SEQR response dated 8/19/16 from NYSDEC regarding Precision Scale & Balance.
- 9.07.10 Memo from Kevin Loftus, Town Attorney, dated 8/24/16 indicating a SEQR review will be held 9/06/16 for Autowave, Ransom Rd.
- 9.07.11 Letter dated 8/31/16 from Robert Harris, Town Engineer, with comments regarding Royal Car Wash.
- 9.07.12 Letter dated 8/31/16 from Robert Harris, Town Engineer, with comments regarding Edgewater West Apartments.
- 9.07.13 SEQR response dated 9/01/16 from the EC Department of Environment and Planning regarding Autowave, Ransom Rd. The DEP indicates that the Town may want to require a revised version of the Stormwater Prevention Plan because the one submitted referred to a site on South Park Ave., Buffalo.

- 9.07.14 SEQR response dated 9/02/16 from the NYSDOT regarding Autowave, Ransom Rd.
- 9.07.15 Memo from Mark Lubera dated 8/31/16 stating no issues with Royal Car Wash.
- 9.07.16 Memo from Mark Lubera dated 8/31/16 stating no issues with Edgewater West.
- 9.07.17 Memo from Mark Lubera dated 8/31/16 stating no issues with 455 Pleasant View Dr.
- 9.07.18 Letter from Kevin Loftus, Town Attorney, dated 8/29/16 with comments regarding Joe Basil Resale Center renovation.
- 9.07.19 SEQR response dated 8/26/16 from NYSDEC with comments regarding Apple Blossom 3 lot development.
- 9.07.20 SEQR response dated 9/02/16 from NYSDOT with comments regarding Apple Blossom 3 lot development.
- 9.07.21 SEQR response dated 8/24/16 from NYS Department of Environmental Protection with comments regarding Apple Rubber Products addition.
- 9.07.22 SEQR response dated 8/25/16 from EC Division of Environmental Planning with comments regarding Upstate Tower Mohawk/Juniper.
- 9.07.23 SEQR response dated 7/25/16 from EC Division of Sewerage Management with comments regarding Upstate Tower Mohawk /Juniper.
- 9.07.24 SEQR response dated 8/25/16 from EC Division of Environmental Planning with comments regarding Upstate Tower South Penora.
- 9.07.25 SEQR response dated 7/25/16 from EC Division of Sewerage Management with comments regarding Upstate Tower South Penora.
- 9.07.26 SEQR response dated 8/29/16 from EC Division of Sewerage Management with comments regarding Royal Car Wash.
- 9.07.27 SEQR response dated 8/31/16 from EC Division of Environmental Planning with comments regarding Apple Blossom 3 lot development.
- 9.07.28 SEQR response dated 7/28/16 from EC Division of Sewerage Management with comments regarding Apple Blossom 3 lot development.
- 9.07.29 SEQR response dated 8/31/16 from NYSDEC with comments regarding Royal Car Wash.
- 9.07.30 SEQR response dated 9/06/16 from EC DPW with comments regarding Royal Car Wash.
- 9.07.31 SEQR response dated 8/31/16 from EC Department of Environment and Planning with comments regarding Royal Car Wash.
- 9.07.32 Minutes from the Municipal Review Committee meeting on August 15, 2016.
- 9.07.33 Minutes from the Town Board meeting on September 6, 2016.

Communication 9.03.13 was an error on the part of EC Department of Environment and Planning.

The 2017 Budget proposal was submitted by Chairman Connelly with a nominal increase to the members stipend.

The Village of Lancaster has received a site plan request for a Tim Hortons at 5424 Broadway. The site plan is on the agenda of the Village Planning Commission for September 15, 2016 at 7:10p.m.

Concerns of the project include:

1. The stacking of vehicles
2. Impact on an already busy intersection
3. The stacking of vehicles for the drive thru blocks the use of the gas pumps
4. The Village may not be aware of the proposed Tim Horton at Broadway and Pavement Road
5. The State DOT may have concerns even though no new curb cut is proposed

#### **PUBLIC HEARING SCHEDULED FOR 7:10P.M.**

At 7:10p.m. the Planning Board held a Public Hearing to hear all interested persons upon an application for a preliminary plat plan approval for the proposed "Apple Blossom-three lot development" consisting of three single family dwellings on the south side of Apple Blossom Boulevard.

<b>NAME OF PERSON(S) ADDRESSING THE PLANNING BOARD ON THIS SUBJECT</b>
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<b>Proponent/Opponent Comments/Questions</b>
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Dave DiPaolo representing Fairway Hills Development LLC
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Petitioner/Proponent
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At 7:12p.m. a motion was made by Lawrence Korzeniewski to close the Public Hearing. Motion seconded by Kristin McCracken and unanimously carried.

#### **ACTION ITEMS**

SITE PLAN REVIEW-Project #8085, 31 PEPPERMINT ROAD LOCATED ON THE SOUTH SIDE OF PEPPERMINT ROAD ADJACENT TO THE EAST PROPERTY LINE OF UNITED MATERIALS. TOPSOIL WILL BE STOCKPILED ON THE SITE. THE TOPSOIL WILL BE SHREDDED AND STORED IN THE PROPOSED STORAGE FACILITY BEING PLACED ON THE SITE.

John Garas, Attorney for the Developer and Anthony Milone, of PM Peppermint, Inc. presented a new site plan which does not include composting, mulching or solid waste disposal. In May of 2016 a site plan was submitted which included mulching. In July of 2016 the site plan was withdrawn. The building was constructed without a building permit and was cited by the Supervising Code Enforcement Officer. The developer mines sand with a permit from the DEC. The excavation business has been conducted onsite for four years without any complaints.

Structure-The new site plan consists of a 40'x60' green colored canopy/stressed membrane structure on an asphalt pad. The canopy provides an area for shredded topsoil to be stored which reduces the frequency of shredding.

Activity- Shredding of the topsoil is done with a machine that is portable and will shoot the topsoil into the enclosed area to reduce the amount of dust generated. This same process had been conducted in the past without any screening.

Noise-The level of noise generated by the topsoil shredding is no greater than the noise generated at United Materials.

Dust control-The building has three sides which helps reduce any migrant dust from the shredding process. The prevailing wind is southwest in direction and conditions will need to be included in the Special Use Permit to be enforced by the Code Enforcement Officer.

Hours of operation-Business will be conducted Monday thru Saturday from 7a.m.-6p.m. or dawn to dusk and no hours of operation on Sunday.

Buffering/landscaping-There will not be any additional landscaping. There is currently a natural buffer along the property line approximately 500' from the asphalt pad. The applicant will not agree to keeping the natural buffer in place for the benefit of the neighboring property.

Mining-Mining could be done right up to the property line where the natural buffer exists. There is not a plan currently to mine this portion of the property but the representatives of the developer will not commit to preserving the natural buffer for the nearest neighbor.

## **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Rebecca Anderson to recommend approval of the site plan to the Town Board with the following conditions:

As per the court order:

1. Topsoil canopy structure over asphalt pad-Index #808576/2016
2. Consent order and judgement dated 9/1/2016

Motion seconded by Anthony Gorski and unanimously carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Yes
Anthony Gorski-Yes	Melvin Szymanski-Excused
Joseph Keefe-Yes	

**SITE PLAN REVIEW**-Project #1506, JOE BASIL RESALE CENTER LOCATED AT 5111 TRANSIT ROAD. RENOVATIONS TO THE EXISTING FACILITY AT THE CORNER OF TRANSIT ROAD AND COMO PARK BLVD. THE PROJECT INCLUDES ERECTING NEW WALLS TO ENCLOSE THE AREA UNDER THE EXISTING CANOPY ROOF AND UPDATES TO THE BUILDING EXTERIOR.

Jerry Crofts of Bliss Construction presented a site plan to enclose 1300sq ft. that is currently beneath the canopy roof of the existing facility and renovating the interior and exterior of the existing building. No new site utility work is included. The cars currently being parked under the canopy will be relocated.

Special Use Permit-Currently Basil does not have a Special Use Permit but the number of vehicles on site can be controlled in a Special Use Permit.

### **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Lawrence Korzeniewski to recommend approval of the site plan to the Town Board. Motion seconded by Joseph Keefe and unanimously carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Yes
Anthony Gorski-Yes	Melvin Szymanski-Excused
Joseph Keefe-Yes	

**REZONE PETITON**-Daniele Family Companies is proposing a rezone of 6645 Transit Road (S.B.L.091.080-02-78.12) from GB-General Business to CMS-Commercial Motor Service for the purpose of constructing a 3,600 sq. ft. car wash.

Joseph Keefe recused himself.

Jess Sudol of Passero Associates presented to the Planning Board the Rezone petition for Daniele Family Companies. Three of these car washes are currently operated in Monroe County. The car wash has 1-5 attendants on the site and does not include hand drying. Each wash takes approximately 2.5 minutes. 40 cars can be stacked on the property if needed for peak times such as warm spring days. The car wash does not include a store but does provide complimentary vacuums. There is a gate to stop additional cars in case the wash is filled and the bay terminal is designed to let a car out if necessary. A fast pass system is available for customers to have car washes for a monthly fee. Robert Harris stated that the car wash is well run as per his past experiences.

Traffic-Additional traffic is not generated onto Transit Road. Freeman Road will be used as an exit from the car wash. There is a State DOT application under review for the project even though there will not be any additional curb cuts. There is a median on Transit Road which blocks left turns into this project, therefore it is a right in entrance only.

## DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Rebecca Anderson to recommend approval of the rezone for the purpose of building a Royal car wash to the Town Board. Motion seconded by Kristin McCracken and carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Yes
Anthony Gorski-Yes	Melvin Szymanski-Excused
Joseph Keefe-Abstain	

## REVISED SITE PLAN REVIEW-Project #5051, 455 PLEASANTVIEW DRIVE-THREE LOT DEVELOPMENT ON A PRIVATE ROAD.

Kenneth Zollitsch of Greenman-Pedersen, Inc. presented the development that will have three lots between 1.3 and 1.8 acres in size and measure 175' in width. The private road will be paved and measure 20' wide. The developer will be building his home on the lot closest to Pleasantview Drive. As stated by Ken Zollitsch, the neighbor to the west was the original property owner and knew of the developers intentions. The alternative to this three lot development could be a 7 lot cul-de-sac subdivision.

Draft agreement of restriction-Some restrictions that the lots will have as guidelines include:

1. No accessory structures can be constructed without foundations
2. Outdoor storage of recreational vehicles will not be allowed
3. Minimum 2,000 sq. ft. first floor dwellings
4. Small shelter will be provided for a bus stop shelter
5. All maintenance will be done privately

Landscaping-Plantings have been added to the landscaping plan. The natural buffer will be maintained as much as possible along the perimeter.

Engineering-All engineering issues have been addressed.

## DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Kristin McCracken to recommend approval of the site plan submitted for three lots on a private road with the Proposed Restrictions dated June 30, 2016 to the Town Board. Motion seconded by Anthony Gorski and carried (5-1). Roll call vote as follows:

Chairman Connelly-No	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Yes
Anthony Gorski-Yes	Melvin Szymanski-Excused
Joseph Keefe-Yes	



**SITE PLAN REVIEW**-Project #1382, EDGEWATER APARTMENT COMMUNITY WEST LOCATED AT 0 BROADWAY (S.B.L. #116.00-1-8.2 & 116-1-8.11). 4 THREE STORY BUILDINGS WITH A TOTAL OF 104 UPSCALE RESIDENTIAL UNITS AND RELATED IMPROVEMENTS, DETACHED GARAGES, PARKING SPACES, LANDSCAPING AND UTILITY CONNECTIONS.

Sean Hopkins of Hopkins, Sorgi & Romanowski PLLC and Christopher Wood, PE of Carmina Wood Morris DPC presented the site plan which includes 104 upscale units. This project will complement the ongoing Edgewater Development but parcels will not be combined for financial reasons.

Wetland- There will be no impact on the Federal Wetlands. This area will have a deed restriction for the land to be preserved.

Landscaping-Screening will be provided along Belmont's property. There will be a staggered row of evergreen trees alternating between the properties. Vegetation to the front of the site plan will be preserved on the revised landscape plan.

#### **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Kristin McCracken to recommend approval of the site plan to the Town Board with the following conditions:

1. Full set of amended landscape plans to be approved by Mark Lubera
2. Engineering issues to be addressed as per August 31, 2016 letter from Robert Harris

Motion seconded by Rebecca Anderson and unanimously carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Yes
Anthony Gorski-Yes	Melvin Szymanski-Excused
Joseph Keefe-Yes	

#### **Other items discussed**

The Russell's storage building received Town Board approval on September 6, 2016.

The Wendle lighting proposal includes LED lights. If the Town goes forward using LED lights, an update will be needed for subdivision requirements.

After several conversations between Councilman Abraham and David Burke, buffering will be added for 202 Enchanted Forest South.

Affidavits were completed for the Enterprise project and are currently being argued in State Supreme Court.

At 9:06p.m. a motion was made by Kristin McCracken to adjourn the meeting. Motion seconded by Anthony Gorski and unanimously carried.



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

### MEMO

TO: Honorable Town Board  
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: September 7, 2016

RE: 31 Peppermint Road

PROJECT#: 8085

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LOCATION: 31 Peppermint Road

TYPE: Site Plan Review

RECOMMENDATION: Approval

Roll call vote:

Chair Connelly-Yes  
Rebecca Anderson-Yes  
Anthony Gorski-Yes  
Joseph Keefe-Yes

Lawrence Korzeniewski-Yes  
Kristin McCracken-Yes  
Melvin Szymanski-Excused

CONDITIONS: As per the Court Order:

1. Topsoil canopy structure over asphalt pad-Index #808576/2016
2. Consent order and judgement dated 9/1/2016

COMMENTS: None



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

### MEMO

TO: Honorable Town Board  
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: September 7, 2016

RE: Joe Basil Resale Center

PROJECT#: 1506

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LOCATION: 5111 Transit Road

TYPE: Site Plan Review

RECOMMENDATION: Approval

Roll call vote:

Chair Connelly-Yes  
Rebecca Anderson-Yes  
Anthony Gorski-Yes  
Joseph Keefe-Yes

Lawrence Korzeniewski-Yes  
Kristin McCracken-Yes  
Melvin Szymanski-Excused

CONDITIONS: None

COMMENTS: None



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

### MEMO

TO: Honorable Town Board  
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: September 7, 2016

RE: Royal Car Wash

PROJECT#: None

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LOCATION: 6645 Transit Road

TYPE: Rezone

RECOMMENDATION: Approval

Roll call vote:

Chair Connelly-Yes  
Rebecca Anderson-Yes  
Anthony Gorski-Yes  
Joseph Keefe-Abstain

Lawrence Korzeniewski-Yes  
Kristin McCracken-Yes  
Melvin Szymanski-Excused

CONDITIONS: None

COMMENTS: None



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

### MEMO

TO: Honorable Town Board  
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: September 7, 2016

RE: 455 Pleasantview Drive

PROJECT#: 5051

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LOCATION: 455 Pleasantview Drive

TYPE: Site Plan Review

RECOMMENDATION: Approval

Roll call vote:

Chair Connelly-No  
Rebecca Anderson-Yes  
Anthony Gorski-Yes  
Joseph Keefe-Yes

Lawrence Korzeniewski-Yes  
Kristin McCracken-Yes  
Melvin Szymanski-Excused

CONDITIONS: None

COMMENTS: Site plan submitted for three lots on a private road with the Proposed Restrictions dated June 30, 2016



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

### MEMO

TO: Honorable Town Board  
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: September 7, 2016

RE: Edgewater Apartment Community West

PROJECT#: 1382

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LOCATION: 0 Broadway (S.B.L. 116.00-1-8.2 & 116-1-8.11)

TYPE: Site Plan Review

RECOMMENDATION: Approval

Roll call vote:

Chair Connelly-Yes  
Rebecca Anderson-Yes  
Anthony Gorski-Yes  
Joseph Keefe-Yes

Lawrence Korzeniewski-Yes  
Kristin McCracken-Yes  
Melvin Szymanski-Excused

CONDITIONS: Full set of amended landscape plans to be approved by Mark Lubera  
Engineering issues to be addressed as per August 31, 2016 letter from Robert Harris

COMMENTS: None